

2.7 REFERENCE NO - 18/505929/FULL		
APPLICATION PROPOSAL Erection of 6no. 3 bedroom houses in 2 terraces of 3 houses each, with associated gardens, general landscaping and visitor parking (11 spaces total).		
ADDRESS Land Rear Of 54-76 Oak Road Sittingbourne Kent ME10 3PF		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to the conditions below, the receipt of additional information relating to a reptile relocation site, the further comments of the KCC Ecologist and KCC Highways, and any appropriate additional conditions requested by them, and to the securing of SAMMS contributions,		
SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable in principle and would not give rise to harm to residential amenity, visual amenity or highway safety and convenience.		
REASON FOR REFERRAL TO COMMITTEE Application called in by Councillor Hall		
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT PSP Facilitating Ltd AGENT Pozzoni Architecture Ltd
DECISION DUE DATE 10/01/19	PUBLICITY EXPIRY DATE 14/12/18	

1. DESCRIPTION OF SITE

- 1.1 The application site comprises of a roughly rectangular shaped overgrown parcel of land located directly to the rear of the residential dwellings at no.54 - 76 Oak Road. The site lies within the settlement of Murston and forms part of the Sittingbourne urban area. The site area is 0.40 hectares and consists mainly of scrubland.
- 1.2 The site is bounded by post and wire fencing along its northern boundary. The eastern boundary of the site abuts the fairly recent residential development at East Hall Farm. The western boundary is bounded by residential gardens of properties fronting Oak Road. A footway that runs outside the northern boundary connects Oak Road to the residential development at East Hall Farm. The southern boundary of the site adjoins the rear garden of the property at no.52 Oak Road. The surrounding area is mainly urban in character and comprises residential properties of a variety of design, scale and densities.
- 1.3 Access to the site from Oak Road is gained via two narrow entrance strips to the north and south of the site. Ground levels within the site are generally flat.

2. PROPOSAL

- 2.1 The proposal involves erection of 6no. 3 bedroom houses in 2 terrace blocks of 3 houses each. The scheme includes vehicular access from Oak Road and associated parking and gardens. The terrace block located close to the northern boundary would front Great East Hall Way. This terrace block would have outdoor amenity and parking provided in the central part of the site. The second terrace block is located facing the southern boundary, with vehicle parking proposed on its frontage.

- 2.2 The proposed terrace blocks are of traditional design and would have a pitched tiled roof. Each terrace block would be approximately 9 metres to the ridge of the roof, with eaves just above 5 metres. Each dwelling would have an open plan kitchen/dining room, living room, toilet and storage at ground floor. The upper floors would accommodate 3 bedrooms, family bathrooms and storage.
- 2.3 Vehicular access to the site from Oak Road would be taken from existing access between no.52 to 56 Oak Road. A pedestrian/cycle route is proposed along the northern boundary of the site, linking the development at East Hall Farm to Oak Road.
- 2.4 The application is accompanied, amongst other things, by a Preliminary Ecological Appraisal and Reptile Survey which identified a 'Good' population of slow-worm and a 'Low' population of common lizard within the site. The report suggests that retention of the reptile populations on-site is unviable, recommends further measures to ensure the welfare of reptiles is maintained, including: identification of a suitable receptor site; a trapping effort; and relocation of the trapped reptiles to the receptor site.

3. POLICY AND CONSIDERATIONS

- 3.1 **National Planning Policy Framework (NPPF):** Paras 8 (three dimensions of sustainable development); 10, 11 (presumption in favour of sustainable development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 61 (delivering sufficient supply of homes); 124, 127, 128, 130, 131 (good design).
- 3.2 **National Planning Practice Guidance (NPPG):** Design.
- 3.3 **Development Plan: Bearing Fruits 2031:** The Swale Borough Local Plan 2017 – Policies ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014-2031); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST5 (The Sittingbourne Area Strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); DM7 (Vehicle parking); DM14 (General development criteria); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage).

4. LOCAL REPRESENTATIONS

- 4.1 Five representations were received from neighbouring occupiers objecting to the proposal on the following summarised grounds;
- Overdevelopment of site;
 - Overlooking and loss of privacy;
 - Inadequate parking provision;
 - Lack of adequate community facilities like GP services;
 - Increase in traffic and highway safety;
 - Exacerbate parking issues along Oak Road;
 - Loss of natural landscape;
 - Adverse impact on residential amenity in terms of noise, disturbance and dust pollution.

5. CONSULTATIONS

- 5.1 **KCC Highways and Transport:** Raise no objection in principle to the proposal as the development of 6 residential dwellings is highly unlikely to lead to a material increase in traffic movements on the local highway network. They did request additional information and amendments to the plans relating to the access. These have been

provided. I am awaiting the further comments of KCC Highways and will update Members at the Meeting.

- 5.2 **Natural England:** Raise no objection subject to SPA mitigation (SAMMS) payments being made.
- 5.3 **KCC Ecologist:** The reptile survey shows that slow worms and common lizards are present at the site. Details of a receptor site must be provided prior to the determination of the application.

6. BACKGROUND PAPERS AND PLANS

- 6.1 The submission is supported by the following plans and drawings:
Plans/Drawing Number:OAKR-PAL-XX-00-DR-A-1150 -Proposed Block Plan
Plans/Drawing Number:OAKR-PAL-XX-ZZ-DR-A-1350 REV A -Proposed Street Elevations 1
Plans/Drawing Number:OAKR-PAL-XX-ZZ-DR-A-1400 -Proposed Street Elevations 2
Plans/Drawing Number:OAKR-PAL-XX-00-DR-A-1200 REV -Proposed Ground Floor GA Plan
Plans/Drawing Number: 0201 - PAS -Ground Floor Plan
Plans/Drawing Number:0202 - PAS -First Floor Plan
Plans/Drawing Number:0401 - PAS -Elevations
Plans/Drawing Number:P5054-1151 -Proposed Site Plan - Tracking Diagram
Plans/Drawing Number: 20147-SK-001B -Potential Site Access with Visibility Splays
Preliminary Ecological Appraisal and Reptile Survey
Flood Risk Assessment
Planning and Design and Access Statements
Geological and Geo-Environmental Reports
Sustainable Drainage Assessment

7. APPRAISAL

- 7.1 The site lies within the built up area boundary of Sittingbourne where the principle of residential development is acceptable. The main issues for consideration are the density of development, the impact upon the character and appearance of the area together with the impact on residential amenity, on highway safety and convenience and matters relating to ecology.

Density of Development

- 7.2 The principal objective of policy CP3 of the adopted local plan is to deliver a wide choice of high quality homes within the borough. The policy requires that residential densities are determined by the context and the defining characteristics of an area. The proposed scheme comprising of two terrace blocks of 6no. three bedroom properties which is broadly reflective of the density of existing residential development in the area.

Visual Impact

- 7.3 The site is currently an undeveloped parcel of land located within a predominantly residential area. The site is relatively well contained by existing residential development to the east and west, with residential gardens of the properties fronting Oak Road to the south. The character of the surrounding area generally comprises two storey semi-detached brick built properties mainly with pitched tiled roofs, although there are three to four storey blocks of flats within the residential development to the east of the site. The site is prominent in views from the junction of Oak Road and Great East Hall Way.
- 7.4 The proposed terrace blocks would have a uniform style, scale and mass that reflects the general character of the surrounding area which predominantly comprises of two

storey brick built properties. The pattern of fenestration and form of roof configuration reflects the established character of the area. The development introduces an active frontage onto Great East Hall Way and would largely be read as a continuation of the development at East Hall Farm, rather than being viewed in isolation or as an inappropriate backland scheme. The provision of the pedestrian/cycle route is to be welcomed in my opinion.

- 7.5 I consider the development to be of a reasonably high architectural quality which respects the local character in terms of scale and form. Materials proposed include facing brick and tiles similar to the adjacent development which would help assimilate the development within its urban surroundings. Overall, in terms of visual impact the proposed scheme would create a reasonably attractive residential development that would contribute to enhancing the visual appearance of the streetscape of Great East Hall Way.

Residential Amenity

- 7.6 In terms of the amenity for existing neighbours, the proposed development would have residential neighbours to the west and east, with residential gardens of dwellings fronting Oak Road to the west and south. Whilst objections have been raised by a number of neighbours, the orientation of the north facing terrace block and the separation distances with existing dwellings are such that there would be no adverse impact on the amenities of any neighbour in terms of overshadowing, loss of light, outlook or privacy.
- 7.7 The south facing terrace block is sufficiently distanced from any neighbour to cause little or no unacceptable overlooking and loss of privacy issues and whilst views of the bottom part of the rear gardens of no.52 Oak Road could be gained from the first floor window openings, this would not include the private outdoor amenity areas. I do not consider that any overlooking would give rise to unacceptable loss of privacy to the occupants of this dwelling. There are no first floor window openings on the flank walls to cause overlooking or loss of privacy to neighbours.
- 7.8 I do though recommend removing permitted development rights for new openings on the western facing flank wall of the northern terrace and the eastern facing flank of the southern terrace, in order to control additional openings that might give rise to overlooking in future.
- 7.9 Each property would have an acceptable outdoor amenity provision and due to the small scale of the development proposed, I do not consider that the provision of the pedestrian/cycle route would result in unacceptable noise or disturbance to the occupants of the existing dwellings fronting Oak Road or the future occupants of the proposed development.

Highways

- 7.10 The proposed development includes provision of an access onto Oak Road and objections have been raised by neighbours on grounds of the potential highways safety issues posed by the development.
- 7.11 KCC Highways has commented on the use of this access stating that whilst the access lies in close proximity to a bus clearway, it does not cross it. The recently lined clearway was purposely positioned short of the established vehicle crossover so as not to obstruct its use. Moreover, the infrequency of bus services using this stop makes the proximity of the bus clearway less of a material issue for a development of this size, where anticipated vehicle movement in or out of the site would be approximately every 15 minutes in the peak traffic hours.

- 7.12 Amended and additional information regarding the location of bin storage and provision of a vehicle tracking diagram at the access and within the site for a fire tender have been received and I await the further comments of KCC Highways. I will update Members at the Meeting.
- 7.13 Members will note that whilst objections have been raised over car parking provision within the scheme, the scheme would provide 11 parking spaces including visitor parking. This accords with KCC parking standards and is acceptable.

Ecology

- 7.14 The KCC Ecologist has commented on the scheme recommending submission of details of the proposed reptile receptor site prior to determination of this application. I await this information and the further comments from the KCC Ecologist. The recommendations with respect to breeding birds can be satisfactorily secured via an informative. It is likely that, on receipt of this additional information, further conditions will be required. I therefore seek delegation to add any appropriate additional conditions requested by the KCC Ecologist.

Impact on SPA and Ramsar Sites

- 7.15 I have for completeness set out an Appropriate Assessment below. Since this application would result in an increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contribution at the rate of £239.61 per dwelling. The Agent has provided written confirmation that the applicant would be willing to pay this mitigation fee, which will be secured by way of a unilateral undertaking.

Other Matters

- 7.16 Comments have been received from neighbours raising objection to the proposal on grounds that it would exacerbate the prevailing poor access to local services in the area. Whilst I have sympathies with the concerns raised in this regard, I do not believe the quantum of development at this site would add significant additional burden on local services particularly when considering it is on a small scale.

8. Conclusion

- 8.1 The proposal entails development within the built up area which is acceptable in principle and there are no adverse impacts to the character, appearance or layout of the vicinity of the site in general. The proposal does not result in any material harm to the outlook or amenity of neighbouring occupiers or any significant highways safety concerns. It accords with all the relevant policies of the development plan and government guidance in the revised NPPF. Subject to the submission of acceptable details of a reptile relocation site, to the further comments of the KCC Ecologist and KCC Highways, the conditions below, any additional conditions requested by the KCC Ecologist and KCC Highways, and to the securing of SAMMS contributions, I recommend approval.

9. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: OAKR-PAL-XX-00-DR-A-1150 (Proposed Block Plan), OAKR-PAL-XX-ZZ-DR-A-1350 REV A (Proposed Street Elevations 1), OAKR-PAL-XX-ZZ-DR-A-1400(Proposed Street Elevations 2), OAKR-PAL-XX-00-DR-A-1200 REV (Proposed Ground Floor GA Plan) 0201 - PAS (Ground Floor Plan), 0202 - PAS (First Floor Plan), 0401 - PAS (Elevations), P5054-1151 (Proposed Site Plan - Tracking Diagram), 20147-SK-001B (Potential Site Access with Visibility Splays)

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (3) No development beyond the construction of foundations shall take place until written details of the materials to be used in the construction of the external surfaces of the new build dwellings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- (4) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The construction method statement shall provide for:

- a) the parking of vehicles for site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from the construction works; and
- g) the construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.

Reason: In the interest of residential amenity and to ensure adequate on site parking and turning provision is made for construction traffic in the interest of highway safety and the free flow of traffic.

- (5) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (7) The approved parking/turning areas shall be completed before the first use of any of the dwellings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (8) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of residential amenity.

- (9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity

- (10) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (12) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the west facing flank wall of the northern terrace of dwellings hereby permitted, nor in the east facing flank wall of the south terrace of dwellings hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers

INFORMATIVES

Breeding Birds:

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Scrub present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Noise Control

2. Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Habitat Regulations

Appropriate Assessment under the Conservation of Habitats and Species Regulation 2017

The Appropriate Assessment (AA) have been undertaken without information provided by the applicant.

The site is within 6km south of the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has the potential to affect the site's special features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development. In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed Strategic Access Management and Monitoring Strategy measures (SAMMS), and needs to progress to consideration under an AA.

However the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with recommendations of the North East Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of the development there is no scope to provide on site mitigation such as on site dog walking area or signage to prevent the primary cause of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there is likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either a s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts would not be significant or long-term. I therefore consider that subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organizations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and other (<https://birdwise.org.uk/>).

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

